IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.37761 of 2008
VIVEKA KEWAT, S/o. Ram Nandan Kewat,
r/o. village- Pahadpar, P.S. Chandi (Wena), Distt. Nalanda

With

Cr.Misc. No.37926 of 2008
MAIKA KEWAT, S/o. late Ram Ishwar Kewat,
r/o. village- Pahadpar, P.S. Chandi (Wena), Distt. Nalanda.
---- Petitioners.
Versus
THE STATE OF BIHAR ---- O.P.
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2 23.10.2008 Viveka Kewat of Cr. Misc. No.37761 and Maika Kewat of Cr. Misc. No.37926 of 2008 have arisen out of the same P.S. so both the applications are being disposed of by this common order.

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The F.I.R. was lodged initially under Section 307 of the I.P.C. but subsequently on the death of the injured/deceased Section 302 I.P.C. was added.

The allegation was that the two petitioners and co-accused namely, Upendra Kewat and Upesh Kewat were involved in quarrel and abusing with the family of the informant and that in course of quarrel, on the instigation of the petitioner and other co-accused, Upesh Kewat fired a shot hitting on the abdomen of deceased Upendra Yadav and that the deceased succumbed to the injuries in course of treatment in hospital.

Learned counsel for the petitioner submits that the petitioners' are in custody since 19.06.2008 and also submitted that the petitioners are said to be the members of the mob and also that they had instigated the deceased but the fatal shot causing the death of the deceased was fired by co-accused Upesh Kewat.

Mr. Harsh Anuj, learned counsel for the informant and Mr. S.R. Haque, the learned Addl. P.P. opposed the prayer for bail but they did not point out any other material against the petitioners.

In the facts and circumstances, both the petitioners mentioned above, are admitted to bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the A.C.J.M., Hilsa, Nalanda in connection with Chandi (Wena) P.S. Case No.70 of 2008.

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(C.M. Prasad, J.)

Mkr.